THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1985 of 2007

12.4.2007

Between:

Nazneen Ahmed, W/o.Shaik Md.Nisar

… Petitioner

AND

The Government of Andhra Pradesh, represented by its Principal Secretary, Revenue (UC.I) Department, Secretariat, Hyderabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1985 of 2007

ORDER:

The petitioner claims to be owner of land admeasuring 245 Sq.yards bearing H.No.8-1-284/A/52 situated at Sheikpet village of Golconda Mandal in Hyderabad District, which she allegedly purchased under registered sale deed dated 18.7.1996. She is also owner of another piece of land admeasuring 245 Sq.yards bearing H.No.8-1-284/A/52/A, which she allegedly purchased under registered sale deed dated 13.8.1996. She made an application to the second respondent seeking regularization of her occupation of the urban land under G.O.Ms.No.455, dated 29.7.2002 duly paying a sum of Rs.2,49,960/- on 19.9.2005 by way of demand draft drawn on Oriental Bank of Commerce. There is also another writ petition being W.P.No.20529 of 2005 filed by the petitioner against the third respondent in whose favour the Government issued orders in G.O.Ms.No.1046, dated 31.5.2005. Be that as it is, in this writ petition, petitioner seeks a direction to the respondents to consider her application dated 19.9.2005 and pass orders under G.O.Ms.No.455, dated 29.7.2002.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (Assignment) after getting instructions submits that the application of the petitioner was not received in the office of the second respondent. Therefore, counter affidavit was directed to be filed. In the counter, while making a reference to the writ petition being W.P.No.20529 of 2005, which is pending, categorically stated that after verifying the registers maintained in the office of the second respondent, it is found that the application of the petitioner was not filed nor the demand draft was received by the office.

Having regard to the submission made by the learned Assistant Government Pleader as well as the averment in the counter affidavit of the second respondent, this Court directed the learned Assistant Government Pleader to produce the records. The relevant registers are produced before this Court. After verifying the same, this Court found that the application said to have been made by the petitioner on 19.9.2005 has not been entered in the register whereas the other applications are entered. Learned Counsel for the petitioner also submits that the demand draft submitted by the petitioner was not encashed. In this background, this Court cannot grant any direction as prayed for. However, if the petitioner succeeds in W.P.No.20529 of 2005, which is still pending, she can always obtain a direction from this Court for regularization of her occupation.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

April 12, 2007.
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